

REMARKS

In response to the Office Action dated April 16, 2008, Applicant respectfully requests reconsideration based on the above amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1-4, 6, 7, 11-15, 17, 18 and 21 were rejected under 35 U.S.C. § 103 as being unpatentable over Labaton in view of Candelore. This rejection is traversed for the following reasons.

Claim 1 recites, *inter alia*, “wherein the first message modification key value being determined based on the at least one variable parameter and a unique identifier identifying the predetermined recipient, the unique identifier being a biometric identifier obtained from the recipient.” Support for this feature is found in at least paragraph [0024] of Applicant’s specification. Labaton was relied upon for allegedly disclosing a unique identifier associated with the predetermined recipient. In applying Labaton, the Examiner cites to column 5, lines 10-19 of Labaton as allegedly teaching a unique identifier associated with the predetermined recipient. This section of Labaton discusses a PIN that is used by the **sender** of a message to encrypt a transmission. Labaton fails to teach an identifier **identifying the recipient**. The PIN in Labaton has nothing to do with a predetermined recipient. The Examiner had relied on a rather expansive interpretation of the phrase “associated with” in claim 1 to take the position that the sender’s PIN is “associated with” a recipient. The amendments to claim 1 prevent this interpretation.

Further, Labaton fails to teach a unique identifier being a biometric identifier obtained from the recipient. The Examiner relies on Candelore as teaching biometric information. Candelore teaches performing a secure transaction (e.g., purchase using a bankcard) in which the purchaser provides a PIN or biometric data. The biometric data in Candelore is similar to the PIN in Labaton. Both are used to initiate some process, and neither bears any relationship to identifying a recipient of a message. Thus, even if Labaton and Candelore are combined, the features of claim 1 cannot result.

For at least the above reasons, claim 1 is patentable over Labaton in view of Candelore. Claims 2-4, 6 and 7 variously depend from claim 1 and are patentable over Labaton in view of Candelore for at least the reasons advanced with reference to claim 1. Claims 11 and 21, as amended, recite features similar to those discussed above with reference to claim 1 and are patentable over Labaton in view of Candelore for at least the reasons advanced with reference to claim 1. Claims 12-15, 17 and 18 depend from claim 11 and are considered patentable for at least the same reasons.

Claims 8-10, 19 and 20 were rejected under 35 U.S.C. § 103 as being unpatentable over Labaton in view of Candelore and Kamperman. This rejection is traversed for the following reasons. Kamperman was relied upon for disclosing transmitting modified data messages, but fails to cure the deficiencies of Labaton in view of Candelore discussed above with reference to claims 1 and 11. Claims 8-10 depend from claim 1 and claims 19 and 20 depend from claim 11, and are patentable over Labaton in view of Candelore and Kamperman for at least the reasons advanced with reference to claims 1 and 11.

In view of the foregoing remarks and amendments, Applicant submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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